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7 Insurance Company, Starr Indemnity &  
Liability Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 ZURICH AMERICAN INSURANCE  
COMPANY, a corporation; STARR  
13 INDEMNITY & LIABILITY COMPANY, a  
corporation,

14 || Plaintiffs,

15 | vs.

16 GUAM INDUSTRIAL SERVICES, INC., dba  
17 GUAM SHIPYARD; MATHEWS POTHEN;  
18 THE UNITED STATES OF AMERICA, by  
and through the Secretary of Transportation for  
the Maritime Administration.

19 Defendants.

Case No.: CV 11 1874 MEJ

**STIPULATION AND REQUEST TO  
VACATE CASE MANAGEMENT  
CONFERENCE, DISCLOSURE AND  
ADR DEADLINES PENDING  
DETERMINATION OF MOTION TO  
DISMISS OR TRANSFER; {PROPOSED}  
ORDER**

Plaintiffs Zurich American Insurance Company and Starr Indemnity & Liability  
Company and defendants Guam Industrial Services, Inc., Mathews Pothen and the United States  
of America stipulate and request as follows:

- 24        1.     A Case Management Conference is set for July 28, 2011 (Docket #3).  
25        2.     In conjunction with the Case Management Conference, the parties are required to  
26 meet and confer and to complete Initial Disclosures pursuant to F.R.Civ.P. 26 by July 21, 2011.  
27 The parties are also required to submit ADR Certifications by July 7, 2011. (Docket #3).

1       3. On June 29, 2011, defendants Guam Industrial Services, Inc. and Mathews  
2 Pothen filed a motion to dismiss this action on the ground that the court lacks personal  
3 jurisdiction over them, and in the alternative to transfer this action pursuant to 28 U.S.C. § 1404  
4 to the United States District Court for the District of Guam. That motion is set for hearing on  
5 August 4, 2011. (Docket #10). Plaintiffs have requested limited discovery on the jurisdictional  
6 issues. That request is under consideration by defendants. If that discovery is agreed to by  
7 defendants, or ordered by the court, a continuance of the August 4 hearing date will be  
8 necessary.

9       4. The parties believe the jurisdictional and venue issues should be resolved before  
10 the case management process and before initial disclosures occur. Accordingly, they request  
11 that the court vacate the July 28, 2011 Case Management Conference and set a new Case  
12 Management Conference date and associated deadlines, if necessary, following a ruling on the  
13 motion to dismiss or transfer.

14 | DATED: July 5, 2011

## BULLIVANT Houser Bailey PC

17 By /s/ Andrew B. Downs  
18 Marilyn Raia  
Andrew B. Downs

19 Attorneys for Plaintiffs Zurich American Insurance Company, Starr Indemnity & Liability Company

21 | DATED: July 5, 2011

EMARD DANOFF PORT TAMULSKI &  
PAETZOLD LLP

25 By /s/ Eric Danoff (by e-mail authorization)  
Eric Danoff

1 DATED: July 5, 2011

2 TONY WEST  
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4 MELINDA L. HAAG  
United States Attorney  
R. MICHAEL UNDERHILL  
5 Attorney in Charge, West Coast Office  
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7 By /s/ R. Scott Blaze (by e-mail authorization)

8 R. SCOTT BLAZE  
Senior Admiralty Counsel  
9 Torts Branch, Civil Division  
U.S. Department of Justice

10 Attorneys for Defendant United States of America

11 **ORDER**

12 The Court finds there is good cause to vacate the Case Management Conference and  
13 associated deadlines set in its Order of April 19, 2011 (Docket #3) pending resolution of the  
14 motion to dismiss or transfer this action filed by defendants Guam Industrial Services, Inc. and  
15 Mathews Pothen (Docket #10), accordingly,

16 IT IS HEREBY ORDERED that the Case Management Conference set for July 28, 2011  
17 is VACATED. The Court will set a new Case Management Conference if necessary following  
18 its ruling on the motion to dismiss or transfer this action. All other deadlines set by the April  
19 19, 2011 Order are also vacated.

20 DATED: July 6, 2011

21   
22 Chief United States Magistrate Judge

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